

**Testimony of Debora M. Bresch, Esq.  
Senior Director, Government Relations, ASPCA  
President, CT Votes for Animals**

- In Support of **HB 5409** – An Act Concerning Pet Shops and Consumer Reimbursement for Certain Veterinary Expenses and Prohibiting Pet Shops from Selling Dogs and Cats Obtained from Substandard Domestic Animal Mills
- In Support of **HB 5446** – An Act Concerning the Payment Procedure for the Sterilization and Vaccination of Certain Dogs and Cats and Providing for Animal Control Officer Training. Authorizing Bow and Arrow Hunting on Sunday Under Certain Circumstances

**Joint Environment Committee  
March 16, 2012**

Senator Meyer, Representative Roy, and fellow Environment Committee members, thank you for this opportunity to comment on **HB 5409 (AAC Pet Shops and Consumer Reimbursement for Certain Veterinary Expenses and Prohibiting Pet Shops from Selling Dogs and Cats Obtained from Substandard Domestic Animal Mills)** and **HB 5446 (AAC the Payment Procedure for the Sterilization and Vaccination of Certain Dogs and Cats and Providing for Animal Control Officer Training)**. As many of you know, my name is Debora Bresch, and I am an attorney and lobbyist with the Government Relations Department of the American Society for the Prevention of Cruelty to Animals (ASPCA), which counts **almost 22,000 Connecticut residents among its supporters**. I am also President of CT Votes for Animals (CVA).

**HB 5409 (Pet Shops): SUPPORT**

The ASPCA and CT Votes for Animals strongly support proposed bill HB 5409 - which would clarify Connecticut's "puppy lemon law" and strengthen enforcement efforts vis a vis the state's pet shops - for the following reasons (we also propose some additional amendments below):

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- (1) HB 5409 would clarify that the purchaser of a dog or cat from a pet shop need not return the animal to the store to obtain up to \$500 in veterinary expenses in the event the animal is diagnosed with a disease or congenital defect during the required statutory periods (illness - 20 days, congenital defect - 6 months). The "puppy lemon law" was carefully drafted in 2009 to ensure that a purchaser of a dog or cat from a pet shop could obtain a refund of veterinary expenses, whether or not the animal was returned. In fact, both Sen. Meyer and Rep. Hurlburt noted that this was the legislative intent underlying the Senate and House bills during their respective chambers' debates (SEE ATTACHED - 2009 FLOOR DEBATE EXCERPTS). However, pet shops have in some cases not honored this interpretation of the law. The state attorney general has just issued an opinion that current law does, indeed, require reimbursement of veterinary expenses whether or not an animal is returned (SEE ATTACHED), but it would be useful to make this obligation on the part of the pet shops absolutely explicit to eliminate any possible future confusion.

  - ***Proposed additional amendment:*** Clarify that once a cat or dog is diagnosed with an illness or congenital defect during the statutory periods in the "puppy lemon law," the purchaser may obtain the veterinary certificate containing such diagnosis from the veterinarian at any time. That is, to exercise his/her rights under the "puppy lemon law," the purchaser need not obtain the veterinary certificate at the time of diagnosis.
- (2) HB 5409 would require pet shops to provide consumers in general with notice of their rights and obligations under the "puppy lemon law." All too often, the ASPCA and CT Votes for Animals hear of consumers who were entitled to assistance under the "puppy lemon law," but were not aware of the existence of this law or what they must do in order to exercise their rights under it.

  - ***Proposed additional amendment:*** Specify the manner in which such information must be posted (e.g., sign size, type size and color) - just as Sections 22-344d(a) and (b) and 22-354(b) direct the manner in which pet shops must post, among other things, broker and breeder information.
- (3) HB 5409 would levy a \$500 per animal fine for the improper care of dogs or cats by pet shops. Currently, the Department of Agriculture may only suspend/revoke a pet shop's license for improper animal care, and issue orders for appropriate animal care. As a result, state animal control officers are forced to return repeatedly to pet shops to determine compliance with their orders but have no real means to enforce such orders. The institution of this fine would provide such means.

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(4) HB 5409 would streamline the penalty imposed on pet shops for failure to adhere to certain licensure requirements (e.g., posting the required breeder/broker information on a dog or cat cage). This provision would, in particular, eliminate the term of imprisonment and clarify that a violation is per animal, making the penalty more usable as an enforcement tool by the Department of Agriculture. By contrast, it can take years under the current penalty provision for a pet shop to have to face a court, and even then, the fine is not even clearly applicable per animal.

- **Proposed additional amendment:** *Increase the fine for failure to adhere to certain licensure requirements from “not more than one hundred dollars” to “not less than two hundred dollars or more than three hundred dollars.” Pet shops operate on a high profit margin per animal. It is critical that any fine for noncompliance not simply become a cost of doing business.*

(5) HB 5409 would seek to prevent pet shops from acquiring dogs or cats from substandard breeding facilities. Neither the ASPCA nor CVA can support the bill's current language (NEW Section 4) - in part out of concerns that the lack of associated standards and any enforcement mechanism might actually result in the opposite of its intended effect, suggesting to the public that a pet shop is not selling puppy mill dogs, when this couldn't be further from the truth. **The ASPCA and CVA look forward to working with this committee and other legislative stakeholders to making this language a meaningful reflection of its underlying good intent.**

### **HB 5446 (ACO Training; ACO Access to APCP Vouchers): SUPPORT**

The ASPCA and CT Votes for Animals also strongly support proposed bill HB 5446 which would ensure that animal control officers (ACOs) have the authority to use Animal Population Control Program (APCP) vouchers to spay/neuter cats and dogs prior to release to adopters, as well as finally institute much-needed training requirements for animal control officers.

#### **ACO access to APCP vouchers would be both humane and financially sound:**

- Currently, only a little more than 2/3 of those who adopt from Connecticut pounds use the APCP spay/neuter vouchers they are required to purchase at adoption for \$45. ACO access to these vouchers - whereby an ACO would use a voucher to sterilize a cat or dog prior to the animal's release to an adopter, in lieu of giving the voucher to that adopter for subsequent use - could result in 100 percent voucher compliance.

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- Fewer cats and dogs reproducing after they have been adopted out means few litters, less cruelty requiring investigation, and lower shelter intake and euthanasia rates.
- Further, it might be easier for ACOs to ensure that APCP vouchers "go" further than they do in the hands of individual adopters. ACOs could make "en masse" transport arrangements with area low-cost spay/neuter clinics, where an APCP voucher would cover the full-cost of a spay/neuter procedure and vaccinations. Alternatively, while the APCP does not limit what veterinarians may charge beyond the face value of a voucher (i.e., \$20 for vaccinations plus sterilization - \$120 - female dog, \$100 - male dog, \$70 - female cat, \$50 - male cat) - a possible cause of voucher non-compliance among pound adopters - ACOs might be able to get some economy of scale from local veterinarians that a single adopter seeking the sterilization of a single animal would not have.

To this end, the terms of proposed bill HB 5446 would:

- (1) allow an ACO to retain an APCP voucher for use by the pound in lieu of giving the voucher to an adopter for use post-adoption;
- (2) authorize a pound representative (e.g., an ACO) to sign and use such voucher on behalf of an adopter;
- (3) authorize a pound to use an APCP voucher without a dog or cat having previously been adopted only if such animal has the medical condition known as pyometra, which is a serious, life-threatening condition;

**It is also a priority for the ASPCA and CVA to ensure that Connecticut ACOs are appropriately trained:**

- Training and certification help ensure a certain level of competency and preparation among any profession's members. And yet, because Connecticut does not currently require its ACOs to receive training, they may often find themselves in precarious circumstances without the skill set and knowledge necessary to provide for human and animal safety.
- It is also not uncommon to hear of individuals being "demoted" to animal control – demeaning this crucial profession and placing both animals and humans in unnecessary peril when the demoted individual lacks the requisite skills and understanding of animals. The wide range of animal situations with which ACOs must contend each day (e.g., neglect and abuse, abandonment, feral cats, dangerous dogs, among others); the particular vulnerability of animals; and public safety imperatives make training and certification a professional necessity.

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- The role of ACOs as emergency first responders also makes training critical. Indeed, in 2007, Connecticut passed a law to require the inclusion of the evacuation of pets and service animals in state and local emergency plans of operation, complying with a 2006 federal law (Pets Evacuation and Transportation Standards, or PETS) requiring local and state emergency preparedness authorities to include pets and service animals in their disaster plans in order to qualify for grants from FEMA. It is fair neither to animal control officers nor to pet owners nor to animals to expect ACOs to manage crises without prior training.
- Further, at least eight other states, including Maine and New Jersey, have instituted training programs for their ACOs.

To this end, HB 5446 would:

- (1) institute an ACO training program specifically for new ACOs, requiring those hired as of July 1, 2012 either to have already received the prescribed training or to have completed such training by their first anniversary, and
- (2) would require ACOs to receive annual continuing education.

**While this is a commendable and necessary start, the ASPCA and CVA would also recommend more comprehensive training for current ACOs, many of whom crave the expertise in their chosen field but do not have the time or resources to obtain such training.** In fact, HB 5446 does not speak to funding at all - likely to avoid the danger of unfunded mandates and partly in service to the philosophy that ACOs who care about professionalization will find a way to finance their own training. However, most ACOs are paid far less than professionals in other fields, **and so further contemplation of the optimal mechanism for financing of training for both new and current ACOs is also needed.**

### **In Conclusion**

**Please:**

- Support HB 5409 (pet shops) **WITH PROPOSED AMENDMENTS**.
- Support HB 5446 (ACO training; ACO access to APCP vouchers).

**House debate - June 2, 2009.**

REP. HURLBURT (151st):

Thank you, Mr. Speaker. Representative Camillo, is it true that an animal need not be returned in order to collect the reimbursement for veterinarian bills?

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Through you, Mr. Speaker, yes.

**Senate debate - April 30, 2009.**

SENATOR MEYER:

Colleagues, this is the pet lemon law coming to us because of complaints in many parts of Connecticut that there have been puppy mills exporting puppies from other states into the state of Connecticut, many with defects or diseases of various kinds.

And so what this bill seeks to do is to say that if you go to a pet store or a kennel and you purchase a pet and that pet has got a disease like kennel cough, you'll be able to return that pet to the pet shop or kennel within 20 days.

If that pet, instead of having an ordinary disease, has a congenital defect, as for examples, labradors are increasingly find -- found to have hip dysplasia, you'll actually have six months to return your pet. If you've fallen in love with your pet, on the other hand, don't want to return it, you'll be able to take the pet to the vet and the pet store or kennel will have to reimburse you vet fees up to \$ 500.

That's the principle -- that's the crux of this bill. There's another part of the bill that's important that will allow chief animal control officers in our towns to obtain



rabies records from vets who have made a record of -- with respect to rabies vaccinations.

So that's the amendment and I urge its passage.

GEORGE C. JEPSEN  
ATTORNEY GENERAL



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Office of The Attorney General  
**State of Connecticut**

February 17, 2012  
Hon. Martin M. Looney  
State Senator  
State Capitol  
Hartford, Connecticut 06106-1591

Dear Senator <sup>Marty</sup>Looney:

You have asked whether in my office's opinion Conn. Gen. Stat. §22-344b manifests an intent by the legislature to require a consumer to return a dog or cat to the pet shop from which it was purchased to obtain reimbursement for veterinary bills for a sick pet sold by that shop. We conclude that the legislature did not intend for the consumer to be so obligated under the statute to obtain reimbursement for the qualifying veterinary bills.

Section 22-344b provides remedies for consumers who purchase from a pet shop dogs or cats that become ill or die, or are diagnosed with congenital defects. Specifically,

(b) If, (1) within twenty days of sale, any such dog or cat becomes ill or dies of any illness which existed in such dog or cat at the time of the sale, or (2) within six months of sale, any such dog or cat is diagnosed with a congenital defect that adversely affects or will adversely affect the health of such dog or cat, such licensee shall, at the option of the consumer, replace the dog or cat or refund in full the purchase price of such dog or cat: (A) In the case of illness or such congenital defect, upon return of the dog or cat to the pet shop and the receipt of a certificate from a veterinarian licensed under chapter 384 and selected by the consumer, stating that the dog or cat is ill from a condition which existed at the time of sale, or suffers from such congenital defect, and (B) in the case of death, the receipt of a certificate from a veterinarian licensed under chapter 384 and selected by the consumer, stating that the dog or cat died from an illness or a congenital defect which existed



at the time of sale. *Any costs for services and medications provided by a licensed veterinarian incurred by the consumer for such illness or such congenital defect shall be reimbursed to the consumer by such licensee in an amount not to exceed five hundred dollars.* The presentation of such certificate shall be sufficient proof to claim reimbursement or replacement and the return of such deceased dog or cat to the pet shop shall not be required. No such refund or replacement shall be made if such illness or death resulted from maltreatment or neglect by a person other than the licensee or such licensee's agent or employee. A licensee shall not be subject to the obligations imposed by this subsection for the sale of a cat where such cat has been spayed or neutered prior to its sale.

Conn. Gen. Stat. §22-344b(b) (Emphasis added.)

We begin with the requirement that the meaning of a statute must be ascertained from the text of the statute itself in the first instance and its relationship to other statutes. Conn. Gen. Stat. §1-2z. The language used by the legislature is plain. "Any costs for services and medications provided by a licensed veterinarian incurred by the consumer for such illness or such congenital defect shall be reimbursed to the consumer by such licensee in an amount not to exceed five hundred dollars." Unlike the pet shop's obligation to provide a replacement pet or a refund for the purchase price of a sick pet "upon return of the dog or cat to the pet shop," Conn. Gen. Stat. §22a-344b(b)(A), the obligation to pay for veterinary bills is not conditioned on the return of the pet. If the legislature had intended that the consumer must return the pet to obtain the reimbursement of veterinary costs, it would have said that the costs shall be reimbursed upon return of the dog or cat. It did not. The veterinarian cost reimbursement provision sets forth a remedy--the "reimbursement" of veterinarian bills for such illness or such congenital defect--distinct from the previously provided remedies of replacement of the dog or cat or a refund of the purchase price, further supporting a conclusion that the legislature wished to provide a separate remedy not dependent upon the procedural requirements for a refund or replacement.

If there were any ambiguity in the statutory text it is dispelled by resort to the legislative history of the law, which confirms that the legislature did not intend to require the consumer to return a sick dog or cat to the pet shop to obtain

reimbursement of veterinary costs for qualifying illnesses or congenital defects. The legislature amended the statute in 1998 to provide the additional remedy of reimbursement for veterinary costs. In introducing the legislation, Senator Lovegrove stated that "this bill will require [ ] that up to \$200 in veterinarian services must be reimbursed to the consumer by the pet store operator if the consumer needs the veterinarian within, I believe it's 45 days of purchase of the animal." 41 S. Proc., Pt. 8, 1998 Sess., p. 2484, remarks of Senator Fred Lovegrove. Senator Lovegrove did not state that the pet had to be returned in order to get the reimbursement. While not conclusive, later remarks upon further amendment of the veterinarian costs provision address this question specifically.

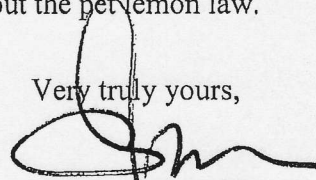
In 2009, the legislature increased the limit of reimbursement to five hundred dollars. P.A. 09-228. The following statement was made by Senator Meyer in support of the amendment: "If that pet instead of having an ordinary disease, has a congenital defect, as for examples, labradors are increasingly found to have hip dysplasia, you'll actually have six months to return your pet. If you have fallen in love with your pet, on the other hand, don't want to return it, you'll be able to take the pet to the vet and the pet store or kennel will have to reimburse you vet fees up to \$500." 52 S. Proc., Pt. 19, 2009 Sess., pp. 1815-1816, remarks of Senator Edward Meyer. In the House debate, Representative Hilbert asked: "is it true that an animal need not be returned in order to collect the reimbursement for veterinarian bills?" Representative Camillo replied "yes." 52 H.R. Proc., Pt. 29, 2009 Sess., pp. 9429- 9430. There can be no question but that the legislature intended that the pet need not be returned in order to obtain a reimbursement for qualifying veterinary costs.

Finally, we note that the law is a remedial statute designed to protect consumers. "[R]emedial statutes should be construed liberally in favor of those whom the law is intended to protect." *Dysart Corp. v. Seaboard Sur. Co.*, 240 Conn. 10, 18 (1997). Construing the statute not to require a consumer, who has become attached to the pet but has been saddled with veterinary bills, to return the pet to get reimbursement of veterinary costs is more protective of consumers and presumably the legislature's intent.

February 17, 2012  
Hon. Martin M. Looney  
Page 4

We trust that this answers your question and we remain available to address any other questions you may have about the pet lemon law.

Very truly yours,

A handwritten signature in black ink, appearing to be "G. Jepsen", written over a vertical line.

GEORGE JEPSEN  
ATTORNEY GENERAL